



U.S. Department of Justice

United States Attorney  
Southern District of New York

---

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

June 7, 2019

**BY ECF**

The Honorable Denny Chin  
United States Circuit Court Judge  
Court of Appeals for the Second Circuit  
40 Foley Square  
New York, NY 10007

Re: *United States v. Naldy Rodriguez,*  
05-cr-1070 (DC)

Dear Judge Chin:

In or about 2006, the above named defendant was convicted of distribution and possession with the intent to distribute cocaine and was sentenced to 60 months' imprisonment and four years' supervised release. On or about November 12, 2008, the defendant commenced his term of supervised release. On or about April 5, 2011, the defendant was arrested and charged with a series of New York State drug offenses. On April 12, 2011, this Court signed an arrest warrant (the "2011 Federal Warrant") on the basis of five specified violations of the terms of the defendant's supervised release. Those violations primarily related to the defendant's arrest for the state drug offenses. On or about March 12, 2014, the defendant pleaded guilty in state court to operating as a major drug trafficker and was sentenced to a term of nine years' imprisonment.

In or about February 2019, the Probation department learned that the defendant was released from state custody and a detainer was not lodged. After contacting the Marshals, the Government has learned that the defendant was arrested on the basis of the 2011 Federal Warrant in or about November 2012. In or about November 2012, the defendant was transferred to federal custody on the basis of the 2011 Federal Warrant and housed in this district for two weeks.<sup>1</sup> To the Government's knowledge, the defendant was never presented or arraigned on the violation of supervised release specifications underlying the 2011 Federal Warrant. The Government has further learned from the Marshals that, after two weeks, the defendant was writtten out of the district on a testimonial writ, and then writtten back to the district in or about June 2013. In or about June 2013, the defendant was then writtten back to state custody. When the defendant was released from state custody in February 2019, there was no detainer because the 2011 Federal Warrant had been satisfied.

---

<sup>1</sup> Based on my discussions with the Probation Office, I have learned that the Probation Office was not notified that the defendant was writtten to this district in 2012.

**SO ORDERED.**  
**s/Denny Chin**  
**U.S.C.J. Sitting by Designation**  
**May 26, 2020**